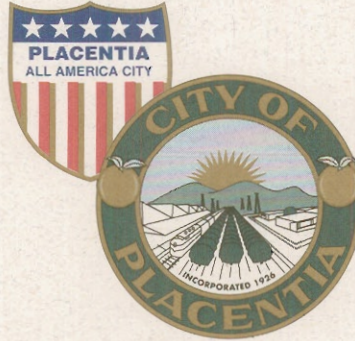


Mayor
GREG SOWARDS

City Administrator
TROY L. BUTZLAFF



Councilmembers:
JOSEPH V. AGUIRRE
SCOTT W. NELSON
CONSTANCE UNDERHILL
JEREMY B. YAMAGUCHI

401 East Chapman Avenue - Placentia, California 92870

February 13, 2009

CRWQCB - REGION 8	
ME5	

FEB 17 2009

Mr. Gerard Thibeault
Executive Officer
California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, California 92501

Subject: Tentative Order No. R8-2008-0030, NPDES No. CAS 618030

Dear Mr. Thibeault:

The City of Placentia, as a Co-permittee, appreciates the opportunity to comment on Tentative Order No. R8-2008-0030 (the "Draft Order"), renewing waste discharge requirements for the discharge of urban storm water from areas of Orange County within the Santa Ana Region. The City is aware that the County of Orange (the "County"), as the Principal Permittee, has submitted a comment letter to the Regional Board regarding the Draft Order on behalf of itself and other Permittees in the Santa Ana Region. The City of Placentia supports the comments submitted by the County and intends the comments contained in this letter to supplement those submitted by the County and the other Co-permittees. Accordingly, please consider the County's comments to be incorporated in the City's letter by reference. The City reserves the right to supplement these comments up until the time the Regional Board convenes to adopt the permit.

While the City generally supports the Draft Order's goal of protecting water quality standards of receiving waters, after reviewing the Draft Order, the City has a number of specific concerns. These concerns and recommendations with respect to these specific provisions of the Draft Order are set forth in Attachment "A". In addition the City echoes the general comments made by the County, including the following crucial general concerns regarding the Draft Order:

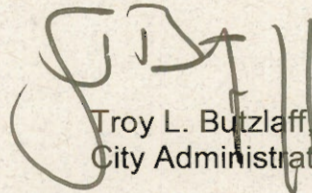


Mr. Gerard Thibeault
February 13, 2009
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1. The Draft Order will significantly increase the administrative and financial burden associated with the program.
2. The Draft Order is overextending its regulatory reach into areas not legally within the Board's or the Permittees' control.
3. The Draft Order creates a flawed basis for land development requirements with the Effective Impervious Area and Hydromodification requirements.
4. The Draft Order fails to take into consideration available programmatic performance and environmental quality data provided by the Principle and Co-permittees.

Thank you for your attention to the City of Placentia's concerns with the Draft Order. We hope that these comments and concerns are considered by the Regional Board before formally adopting Order No. R8-2008-0030, NPDES No. CAS 618030. If you require any further clarification on the City's comments or have any questions, please contact me at (714) 993-8117.

Sincerely,



Troy L. Butzlaff, ICMA-CM
City Administrator

RM/TLB/mp

Attachment: Comments Regarding Tentative Order No. R8-2008-0030, NPDES No. CAS 618030

cc: Ken Domer, Assistant City Administrator
James Eggart, City Attorney
Andrew Muth, City Engineer
Robert Makowski, Environmental Compliance Officer

Attachment "A"

Comments on Tentative Order No. R8-2008-0030, NPDES No. CAS 618030

VI. LEAGAL AUTHORITY/ENFORCEMENT

- #2 Requiring the level of inspection authority described within this section of the Draft Order would cause the City to violate the 4th Amendment of the U.S. Constitution.

Recommendation: Current legal authority inspection requirements should be maintained or item should be reworded to clarify that the required legal authority is subject to State and federal law and the limitations on municipal action under the State and federal constitutions.

- #6 Quarterly reporting of enforcement activity is an administratively burdensome requirement that is not viable for medium to small cities with little to no staff resources.

Recommendation: Maintain current enforcement activity reporting requirements.

X. MUNICIPAL INSPECTIONS OF COMMERCIAL FACILITIES

- #1 Quarterly updating of the commercial facilities database and the implementation of GIS tracking of commercial fixed facilities is an administratively burdensome requirement that is not viable for medium to small cities with little to no staff resources.

Recommendation: Maintain current commercial facility tracking requirements.

- #1 No rational or technical findings are provided justifying the addition to the Draft Order of multiple categories of commercial facilities requiring inspections.

Recommendation: Maintain current commercial facility category list.

- #2 The minimum criteria requiring mandatory prioritization ranking percentages for commercial sites seems completely contradictory to the well-established prioritization ranking criteria used in the existing permit. An unfair burden would be placed on both the public agency and those commercial business owners subject to random ranking increases to satisfy this requirement.

Recommendation: It is recommended that the current prioritization ranking criteria be maintained and that no random ranking increases be imposed.

- #8 It is unrealistic to expect that over any period of time it would be possible for the Principle Permittee to notify all mobile businesses operating within the County of

and Article XI, section 7 of the California Constitution, and would be an impermissible mandate regarding how the Copermitees are to comply with the MEP standard.

Recommendation: It is recommended that the requirement be modified to state that "The permittees shall *encourage* implementation of LID site design principles...."

XV. MUNICIPAL CONSTRUCTION PROJECTS/ACTIVITIES

#4 Define what are considered routine maintenance activities.

Recommendation: Routine maintenance activities may include but not be limited to street re-surfacing including removal and replacement of curb and gutter, routine building repair and alterations, landscape irrigation maintenance and repair, minor sewer and storm drain maintenance and replacement, and traffic control modifications.

XIV. TRAINING PROGRAM FOR STORM WATER MANAGERS, PLANNERS, INSPECTORS AND MUNICIPAL CONTRACTORS

#2 & 3 It is unfair to assume that all public agencies have industrial activities occurring within their boundaries and places an unfair burden in requiring responsible staff to prove competency through testing for activities they do not have.

Recommendation: It is recommended that the requirement be reworded to state that "The curriculum content should include those elements, listed below, that are applicable to that agency."